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# NC POLICY WATCH

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## Governor's pipeline MOU could help protect migratory birds; lawmakers still claim it's an ugly duckling

By [Lisa Sorg](#)

The Atlantic Coast Pipeline is like the obnoxious rich kid in college who has to buy his friends.

The North Carolina portion of the controversial \$5.5 billion natural gas project will run 160 miles through environmentally sensitive areas and communities of color in eight eastern counties. Of the 9,370 public comments the NC Department of Environmental Quality received about the ACP, 8,000 opposed it.

Even its boosters — economic development bigwigs and elected officials along the route — have been privately concerned that the financial promises pledged by Duke and Dominion Energy, owners of the ACP, were overblown.

So for the past year, the utilities, under the corporate name ACP, LLC, revved up the public relations machine. First, they trotted out boosters at public events. Then they tried to appease the environmentalists by promising to plant a bee-friendly pollinator corridor along the route. Last fall, once the Federal Energy Regulatory Commission (FERC) signed off on the ACP — one of the Trump administration's priority projects — the utilities tried to fast track state approval.

And finally, they agreed to pay.

In late January, Dominion signed a Memorandum of Understanding with Gov. Cooper that included a \$58 million voluntary mitigation fund for economic development and environmental reparations associated with the ACP. Duke and Dominion, the majority owners, would each pay half the amount upfront, with the rest due when the pipeline began operating.

Lawmakers, however, scuttled the deal last month in [an omnibus bill](#) that included crucial class-size provisions. Instead of economic development and environmental mitigation, the money would be reallocated to local school districts along the route. Cooper said last month that he will allow the bill to become law without his signature, but also acknowledged that Duke and Dominion are free to walk away from the voluntary agreement.

But judging from yesterday's Joint Energy Policy Committee meeting, lawmakers are clearly still upset about Cooper's unilateral deal-making. Legislators grilled a representative of the Department of Environmental Quality (DEQ) about the intricacies of the MOU, although the questioning appeared to be a tactic to build a case against the governor, who had announced the mitigation fund within hours of DEQ's approval of a key water quality permit. The timing has led some pipeline opponents to allege that there was a *quid pro quo*

arrangement. [\[Read more...\]](#)

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